

REMARKS

The foregoing amendment and these remarks are responsive to the Office Action of October 5, 2004. It is acknowledged with appreciation that the Examiner has allowed Claims 12-20, 23-26, 28 and 29. Favorable reconsideration and allowance of the present application is respectfully requested in view of the foregoing amendments and these remarks.

Claim Rejections

The only rejections presented by the Office Action are to Claims 1 and 3-11 as being anticipated by *Petry, et al.* (US 5,175,976), and to Claims 9 and 11 as being obvious over *Petry, et al.* in view of *Tisma* (US 5,388,389). The Applicants respectfully disagree with the rejections. For example, it is submitted that independent Claim 1 should not have been rejected because the Office Action overstated the teaching of the *Petry, et al.* in alleging that *Petry, et al.*'s guide plates 5, 6 are funnels as recited in Claim 1.

As an additional example, it is respectfully submitted that the Office Action does not provide a prima facie rejection of Claim 6. More specifically, the Office Action does not provide an explanation of why Claim 6 is rejected, beyond merely indicating that Claim 6 is anticipated by *Petry, et al.* Accordingly, if this rejection is maintained, it is respectfully requested that it be fully substantiated.

Similarly and as one last example, it is respectfully submitted that the Office Action has not provided a prima facie rejection of Claim 8. In this regard, Claim 8 recites "a cam follower mounted to each inserter rod and engaging a cam track for moving each inserter rod between its engaging and non-engaging positions." However, *Petry, et al.* fails to explicitly teach any corresponding cam follower. Accordingly, if this rejection is maintained, it is respectfully requested that it be fully substantiated.

Claim Amendments

Notwithstanding the foregoing, and in an effort to expedite allowance of the present application, Claim 1 has been amended to clarify that its funnels are neither taught nor suggested by *Petry, et al.*'s guide plates 5, 6. More specifically, amended Claim 1 recites, with emphasis added, that:

for each of the funnels a respective group of the groups of the products passes through an upstream opening of the funnel and then through a downstream opening of the funnel while the funnel guides the respective group of the products into a respective carton of the cartons, and the funnel tapers so that the downstream opening of the funnel is narrower than the upstream opening of the funnel.

In contrast, there is no teaching or suggestion in *Petry, et al.* about there being tapering between the plates 5, 6 (which the Office Action alleges to be funnels) in the manner that is recited in amended Claim 1. It is respectfully submitted that Claim 1 is neither taught nor suggested by the known prior art, such that Claim 1 is in condition for immediate allowance. Likewise, it is respectfully submitted that dependent Claims 3-11 and new dependent Claims 30-32 are allowable because of their dependence from allowable Claim 1, and because the dependent claims further patentably distinguish the present invention. For example, the Examiner's attention is directed to new dependent Claims 30-32.

The amendment to Claim 10 has been made for purposes of clarification and not to narrow the claim.

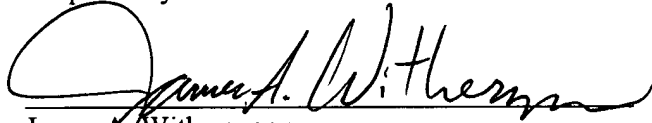
Conclusion

In view of the foregoing, it is respectfully submitted that the present application is in condition for immediate allowance, and such action is solicited. If for some reason the Examiner deems that the present application is not in condition for immediate allowance, it is respectfully requested that the Examiner telephone the undersigned at 704-331-4904 in an effort to expedite prosecution.

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0528.

1/5/05
Date


Respectfully submitted


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on JANUARY 5, 2005.


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